

109TH CONGRESS
2D SESSION

S. 3519

To reform the State inspection of meat and poultry in the United States,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2006

Mr. HATCH (for himself, Mr. CONRAD, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To reform the State inspection of meat and poultry in the
United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Agriculture Small Business Opportunity and Enhance-
6 ment Act of 2006”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEAT INSPECTION

Sec. 101. Federal and State cooperation on meat inspection for intrastate distribution.

Sec. 102. State meat inspection programs.

TITLE II—POULTRY INSPECTION

Sec. 201. Federal and State cooperation on poultry inspection for intrastate distribution.

Sec. 202. State poultry inspection programs.

TITLE III—GENERAL PROVISIONS

Sec. 301. Regulations.

Sec. 302. Termination of authority to establish an interstate inspection program.

1 **TITLE I—MEAT INSPECTION**

2 **SEC. 101. FEDERAL AND STATE COOPERATION ON MEAT IN-** 3 **SPECTION FOR INTRASTATE DISTRIBUTION.**

4 (a) REDESIGNATION.—

5 (1) IN GENERAL.—The Federal Meat Inspec-
6 tion Act is amended—

7 (A) by redesignating title III (21 U.S.C.
8 661 et seq.) as title V and moving that title so
9 as to appear at the end of that Act;

10 (B) by redesignating section 301 (21
11 U.S.C. 661) as section 501;

12 (C) in title V (as redesignated by subpara-
13 graph (A)), by striking the title heading and in-
14 serting the following:

15 **“TITLE V—FEDERAL AND STATE**
16 **COOPERATION ON MEAT IN-**
17 **SPECTION FOR INTRASTATE**
18 **DISTRIBUTION”;**

19 and

1 (D) in the fourth sentence of section
2 501(c)(1) (as redesignated by subparagraph
3 (B)), by striking “section 301 of the Act” and
4 inserting “subsection (a)(4)”.

5 (2) CONFORMING AMENDMENTS.—

6 (A) Section 7(c) of the Federal Meat In-
7 spection Act (21 U.S.C. 607(c)) is amended in
8 the second sentence by striking “section 301 of
9 this Act” and inserting “section 501(a)(4)”.

10 (B) Section 24 of the Federal Meat In-
11 spection Act (21 U.S.C. 624) is amended in the
12 last sentence by striking “section 301 of this
13 Act” and inserting “section 501(a)(4)”.

14 (C) Section 205 of the Federal Meat In-
15 spection Act (21 U.S.C. 645) is amended by
16 striking “section 301 of this Act” and inserting
17 “section 501(a)(4)”.

18 (3) EFFECTIVE DATE.—This subsection takes
19 effect on January 1, 2007.

20 (b) REPEAL.—

21 (1) IN GENERAL.—Title V of the Federal Meat
22 Inspection Act (as amended by subsection (a)(1)) is
23 repealed.

24 (2) CONFORMING AMENDMENTS.—

1 (A) Section 7(c) of the Federal Meat In-
 2 spection Act (21 U.S.C. 607(c)) (as amended
 3 by subsection (a)(2)(A)) is amended in the sec-
 4 ond sentence by striking “section 501(a)(4)”
 5 and inserting “section 412”.

6 (B) Section 24 of the Federal Meat In-
 7 spection Act (21 U.S.C. 624) (as amended by
 8 subsection (a)(2)(B)) is amended in the last
 9 sentence by striking “section 501(a)(4)” and
 10 inserting “section 412”.

11 (C) Section 205 of the Federal Meat In-
 12 spection Act (21 U.S.C. 645) (as amended by
 13 subsection (a)(2)(C)) is amended by striking
 14 “section 501(a)(4)” and inserting “section
 15 412”.

16 (3) EFFECTIVE DATE.—Except as provided in
 17 section 302, this subsection takes effect on January
 18 1, 2007.

19 **SEC. 102. STATE MEAT INSPECTION PROGRAMS.**

20 (a) IN GENERAL.—The Federal Meat Inspection Act
 21 (as amended by section 101(a)(1)) is amended by insert-
 22 ing after title II (21 U.S.C. 641 et seq.) the following:

“TITLE III—STATE MEAT INSPECTION PROGRAMS

“SEC. 301. POLICY AND FINDINGS.

“(a) POLICY.—It is the policy of Congress to ensure that consumers continue to have access to a safe, wholesome, abundant, and affordable supply of meat and meat food products and to assist in efforts by State and other government agencies to accomplish that policy.

“(b) FINDINGS.—Congress finds that—

“(1) the goal of providing a safe, wholesome, abundant, and affordable supply of meat and meat food products throughout the United States is achieved, in part, through the role played by both Federal and State food safety inspection programs;

“(2) as of the date of enactment of the Agriculture Small Business Opportunity and Enhancement Act of 2006, State and local government programs conduct more than 80 percent of food establishment inspections, respond to and manage the majority of food emergencies in the United States, and conduct the majority of food product testing for bacteriological or chemical contamination;

“(3) important Federal regulatory programs have been effectively applied to improve all segments of the extensive food safety system of the United

1 States, including the food production and distribu-
2 tion chain, animal and plant husbandry, production,
3 transportation, and preparation;

4 “(4) an extensive science-based food safety
5 verification system became effective in 1996 with the
6 Pathogen Reduction/Hazard Analysis and Critical
7 Control Point systems of the Department of Agri-
8 culture (referred to in this subsection as the
9 ‘HACCP system’);

10 “(5) the HACCP system has been fully imple-
11 mented for all inspection establishments since 2000,
12 providing the Department of Agriculture with years
13 of food safety testing and verification data, which
14 provide timely information to both consumers and
15 industry;

16 “(6) Federal and State meat inspection pro-
17 grams should function together as a seamless system
18 in both intrastate and interstate commerce;

19 “(7) coordinating Federal and State inspection
20 programs will improve food safety and enhance con-
21 sumer confidence in the food supply;

22 “(8) there are no substantive distinctions be-
23 tween Federal and State inspection requirements be-
24 cause State meat and poultry inspection programs

1 must equal or exceed the level of food safety for the
2 Federal inspection program;

3 “(9) the Department of Agriculture updated the
4 policy and procedures for reviewing State inspection
5 programs in 2004, which has further strengthened
6 testing and training requirements by adding a high-
7 er margin of safety to the State inspection process;

8 “(10) the Department of Agriculture has un-
9 dertaken a new comprehensive review of State meat
10 and poultry inspection programs and issued an in-
11 terim report in 2005 that found that State inspec-
12 tion programs are at least equal to the Federal in-
13 spection program;

14 “(11) in approximately half of the States with
15 inspection programs, the State inspectors provide in-
16 spection coverage for both Federal and State facili-
17 ties;

18 “(12) the statutory prohibition in effect as of
19 the date of enactment of the Agriculture Small Busi-
20 ness Opportunity and Enhancement Act of 2006
21 against interstate shipment of State-inspected meat
22 products is not in the best interests of consumers or
23 small business;

24 “(13) 3 advisory committees of the Department
25 of Agriculture have urged aggressive action to end

1 the inequities in meat inspection and recommended
2 that steps be taken to promote the competitiveness
3 of State-inspected meat products that meet Federal
4 standards of inspection by allowing the sale of the
5 meat in interstate commerce;

6 “(14) State-inspected meat and poultry are the
7 only commodities that are restricted from sale across
8 State lines, although other commodities that are in-
9 spected under State jurisdiction are marketed freely
10 in the United States;

11 “(15) the same marketing options that apply to
12 other commodities should be available for State-in-
13 spected meat and poultry;

14 “(16) interstate markets for State-inspected
15 products will spur more competition and innovation
16 in the industry, providing consumers with more
17 choices in the supermarket; and

18 “(17) increased markets will stimulate small
19 business sales, expand rural development, and in-
20 crease local tax bases, benefitting producers, proc-
21 essors, related industries, and consumers.

22 **“SEC. 302. DEFINITION OF REGULATORY DOCUMENT.**

23 “In this title, the term ‘regulatory document’
24 means—

25 “(1) a directive;

1 “(2) a notice; and

2 “(3) a policy memorandum.

3 **“SEC. 303. APPROVAL OF STATE MEAT INSPECTION PRO-**
4 **GRAMS.**

5 “(a) IN GENERAL.—Notwithstanding any other pro-
6 vision of this Act, the Secretary may approve a State meat
7 inspection program and allow the shipment in commerce
8 of carcasses, parts of carcasses, meat, and meat food prod-
9 ucts inspected under the State meat inspection program
10 in accordance with this title.

11 “(b) ELIGIBILITY.—To receive or maintain approval
12 from the Secretary for a State meat inspection program
13 in accordance with subsection (a), a State shall—

14 “(1) implement a State meat inspection pro-
15 gram that enforces the mandatory antemortem and
16 postmortem inspection, reinspection, sanitation, and
17 related Federal requirements of titles I, II, and IV
18 (including applicable regulations promulgated and
19 regulatory documents issued under those titles); and

20 “(2) enter into a cooperative agreement with
21 the Secretary in accordance with subsection (c).

22 “(c) COOPERATIVE AGREEMENT.—Notwithstanding
23 chapter 63 of title 31, United States Code, the Secretary
24 may enter into a cooperative agreement with a State
25 that—

1 “(1) establishes the terms governing the rela-
2 tionship between the Secretary and the State meat
3 inspection program; and

4 “(2) provides that—

5 “(A) the State will adopt (including adop-
6 tion by reference) provisions equivalent to titles
7 I, II, and IV (including applicable regulations
8 promulgated and regulatory documents issued
9 under those titles);

10 “(B) State-inspected and passed meat and
11 meat food products will be marked with a mark
12 of State inspection, which shall be deemed to be
13 an official mark, in accordance with require-
14 ments issued by the Secretary;

15 “(C) the State will comply with all labeling
16 requirements issued by the Secretary governing
17 meat and meat food products inspected under
18 the State meat inspection program;

19 “(D) the Secretary shall have authority—

20 “(i) to detain and seize livestock, car-
21 casses, parts of carcasses, meat, and meat
22 food products under the State meat inspec-
23 tion program;

24 “(ii) to obtain access to facilities,
25 records, livestock, carcasses, parts of car-

1 casses, meat, and meat food products of
2 any person, firm, or corporation that
3 slaughters, processes, handles, stores,
4 transports, or sells meat or meat food
5 products inspected under the State meat
6 inspection program to determine compli-
7 ance with this Act (including applicable
8 regulations promulgated and regulatory
9 documents issued under this Act); and

10 “(iii) to direct the State to conduct
11 any activity authorized to be conducted by
12 the Secretary under this Act (including ap-
13 plicable regulations promulgated and regu-
14 latory documents issued under this Act);
15 and

16 “(iv) such other terms as the Sec-
17 retary determines to be necessary shall be
18 included in the cooperative agreement to
19 ensure that the actions of the State and
20 the State meat inspection program are
21 consistent with this Act (including applica-
22 ble regulations promulgated and regulatory
23 documents issued under this Act).

24 “(d) RESTRICTION ON ESTABLISHMENT SIZE.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), establishments with more than 50 em-
3 ployees may not be accepted into a State meat in-
4 spection program.

5 “(2) EXISTING ESTABLISHMENTS.—Subject to
6 paragraph (3), any establishment that is subject to
7 State inspection on January 1, 2007, may remain
8 subject to State inspection.

9 “(3) FEDERALLY-INSPECTED ESTABLISH-
10 MENTS.—After January 1, 2007, a Federally-in-
11 spected establishment shall not be eligible to apply
12 for and receive State inspection if the establishment
13 has more than 50 employees.

14 “(e) REIMBURSEMENT OF STATE COSTS.—The Sec-
15 retary may reimburse the State for not more than 60 per-
16 cent of the State’s costs of meeting the Federal require-
17 ments for the State meat inspection program.

18 “(f) SAMPLING.—A duly authorized representative of
19 the Secretary shall be afforded access to State-inspected
20 establishments to take reasonable samples of the inventory
21 of the establishments upon payment of the fair market
22 value of the samples.

23 “(g) NONCOMPLIANCE.—If the Secretary determines
24 that a State meat inspection program does not comply
25 with this title or the cooperative agreement under sub-

1 section (c), the Secretary shall take such action as the Sec-
2 retary determines to be necessary to ensure that the car-
3 casses, parts of carcasses, meat, and meat food products
4 in the State are inspected in a manner that effectuates
5 this Act (including applicable regulations promulgated and
6 regulatory documents issued under this Act).

7 **“SEC. 304. AUTHORITY TO TAKE OVER STATE MEAT INSPEC-**
8 **TION PROGRAMS.**

9 “(a) NOTIFICATION.—If the Secretary has reason to
10 believe that a State is not in compliance with this Act (in-
11 cluding applicable regulations promulgated and regulatory
12 documents issued under this Act) or the cooperative agree-
13 ment under section 303(c) and is considering the revoca-
14 tion or temporary suspension of the approval of the State
15 meat inspection program, the Secretary shall promptly no-
16 tify and consult with the Governor of the State.

17 “(b) SUSPENSION AND REVOCATION.—The Secretary
18 may revoke or temporarily suspend the approval of a State
19 meat inspection program and take over a State meat in-
20 spection program if the Secretary determines that the
21 State meat inspection program is not in compliance with
22 this Act (including applicable regulations promulgated and
23 regulatory documents issued under this Act) or the cooper-
24 ative agreement.

1 “(c) PUBLICATION.—If the Secretary revokes or tem-
2 porarily suspends the approval of a State meat inspection
3 program in accordance with subsection (b), the Secretary
4 shall publish the determination under that subsection in
5 the Federal Register.

6 “(d) INSPECTION OF ESTABLISHMENTS.—On the ex-
7 piration of 30 days after the date of publication of a deter-
8 mination under subsection (c), an establishment subject
9 to a State meat inspection program with respect to which
10 the Secretary makes a determination under subsection (b)
11 shall be inspected by the Secretary.

12 **“SEC. 305. EXPEDITED AUTHORITY TO TAKE OVER INSPEC-**
13 **TION OF STATE-INSPECTED ESTABLISH-**
14 **MENTS.**

15 “Notwithstanding any other provision of this title, if
16 the Secretary determines that an establishment operating
17 under a State meat inspection program is not operating
18 in accordance with this Act (including applicable regula-
19 tions promulgated and regulatory documents issued under
20 this Act) or the cooperative agreement under section
21 303(c), and the State, after notification by the Secretary
22 to the Governor, has not taken appropriate action within
23 a reasonable time as determined by the Secretary, the Sec-
24 retary may immediately determine that the establishment
25 is an establishment that shall be inspected by the Sec-

1 retary, until such time as the Secretary determines that
 2 the State will meet the requirements of this Act (including
 3 applicable regulations promulgated and regulatory docu-
 4 ments issued under this Act) and the cooperative agree-
 5 ment with respect to the establishment.

6 **“SEC. 306. ANNUAL REVIEW.**

7 “The Secretary shall develop and implement a proc-
 8 ess, in consultation with the States—

9 “(1) to review annually each State meat inspec-
 10 tion program approved under this title; and

11 “(2) to certify the State meat inspection pro-
 12 grams that comply with the cooperative agreement
 13 entered into with the State under section 303(c).

14 **“SEC. 307. FEDERAL INSPECTION OPTION.**

15 “(a) IN GENERAL.—An establishment that operates
 16 in a State with an approved State meat inspection pro-
 17 gram may apply for—

18 “(1) inspection under the State meat inspection
 19 program; or

20 “(2) Federal inspection.

21 “(b) LIMITATION.—An establishment shall not make
 22 an application under subsection (a) more than once every
 23 4 years.”.

1 (b) ACCEPTANCE OF INTERSTATE SHIPMENTS; ADVI-
2 SORY COMMITTEES.—Title IV of the Federal Meat Inspec-
3 tion Act is amended—

4 (1) by redesignating section 411 (21 U.S.C.
5 680) as section 413; and

6 (2) by inserting after section 410 (21 U.S.C.
7 679a) the following:

8 **“SEC. 411. ACCEPTANCE OF INTERSTATE SHIPMENTS OF**
9 **MEAT AND MEAT FOOD PRODUCTS.**

10 “Notwithstanding any provision of State law, a State
11 or local government shall not prohibit or restrict the move-
12 ment or sale of meat or meat food products that have been
13 inspected and passed in accordance with this Act for inter-
14 state commerce.

15 **“SEC. 412. ADVISORY COMMITTEES FOR FEDERAL AND**
16 **STATE PROGRAMS.**

17 “The Secretary may appoint advisory committees
18 consisting of such representatives of appropriate State
19 agencies as the Secretary and the State agencies may des-
20 ignate to consult with the Secretary concerning Federal
21 and State programs with respect to meat inspection and
22 other matters within the scope of this Act.”.

23 (c) EFFECTIVE DATE.—This section takes effect on
24 January 1, 2007.

1 **TITLE II—POULTRY INSPECTION**

2 **SEC. 201. FEDERAL AND STATE COOPERATION ON POUL-** 3 **TRY INSPECTION FOR INTRASTATE DIS-** 4 **TRIBUTION.**

5 (a) REDESIGNATION.—

6 (1) IN GENERAL.—Section 5 of the Poultry
 7 Products Inspection Act (21 U.S.C. 454) is redesi-
 8 gnated as section 33 and moved so as to appear at
 9 the end of that Act.

10 (2) INTRASTATE PROGRAM.—Section 33 of the
 11 Poultry Products Inspection Act (as redesignated by
 12 paragraph (1)) is amended by striking the section
 13 heading and inserting the following:

14 **“SEC. 33. FEDERAL AND STATE COOPERATION ON POULTRY**
 15 **INSPECTION FOR INTRASTATE DISTRIBU-**
 16 **TION.”.**

17 (3) CONFORMING AMENDMENTS.—

18 (A) Section 8(b) of the Poultry Products
 19 Inspection Act (21 U.S.C. 457(b)) is amended
 20 in the second sentence by striking “section 5 of
 21 this Act” and inserting “section 33(a)(4)”.

22 (B) Section 11(e) of the Poultry Products
 23 Inspection Act (21 U.S.C. 460(e)) is amended
 24 by striking “section 5 of this Act” and inserting
 25 “section 33(a)(4)”.

1 (4) EFFECTIVE DATE.—This subsection takes
2 effect on January 1, 2007.

3 (b) REPEAL.—

4 (1) IN GENERAL.—Section 33 of the Poultry
5 Products Inspection Act (as redesignated by sub-
6 section (a)(1)) is repealed.

7 (2) CONFORMING AMENDMENTS.—

8 (A) Section 8(b) of the Poultry Products
9 Inspection Act (21 U.S.C. 457(b)) (as amended
10 by subsection (a)(3)(A)) is amended in the sec-
11 ond sentence by striking “section 33(a)(4)” and
12 inserting “section 32”.

13 (B) Section 11(e) of the Poultry Products
14 Inspection Act (21 U.S.C. 460(e)) (as amended
15 by subsection (a)(3)(B)) is amended by striking
16 “section 33(a)(4)” and inserting “section 32”.

17 (3) EFFECTIVE DATE.—Except as provided in
18 section 302, this subsection takes effect on January
19 1, 2007.

20 **SEC. 202. STATE POULTRY INSPECTION PROGRAMS.**

21 (a) IN GENERAL.—The Poultry Products Inspection
22 Act (as amended by section 201(a)(1)) is amended by in-
23 serting after section 4 (21 U.S.C. 453) the following:

1 **“SEC. 5. STATE POULTRY INSPECTION PROGRAMS.**

2 “(a) POLICY.—It is the policy of Congress to protect
3 the public from poultry products that are adulterated or
4 misbranded and to assist in efforts by State and other gov-
5 ernment agencies to accomplish that policy.

6 “(b) DEFINITION OF REGULATORY DOCUMENT.—In
7 this section, the term ‘regulatory document’ means—

8 “(1) a directive;

9 “(2) a notice; and

10 “(3) a policy memorandum.

11 “(c) APPROVAL OF STATE POULTRY INSPECTION
12 PROGRAMS.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of this Act, the Secretary may approve a
15 State poultry inspection program and allow the ship-
16 ment in commerce of poultry products inspected
17 under the State poultry inspection program in ac-
18 cordance with this section and section 5A.

19 “(2) ELIGIBILITY.—To receive or maintain ap-
20 proval from the Secretary for a State poultry inspec-
21 tion program in accordance with paragraph (1), a
22 State shall—

23 “(A) implement a State poultry inspection
24 program that enforces the mandatory ante-
25 mortem and postmortem inspection, reinspec-
26 tion, sanitation, and related Federal require-

ments of sections 1 through 4 and 6 through 32 (including applicable regulations promulgated and regulatory documents issued under those sections); and

“(B) enter into a cooperative agreement with the Secretary in accordance with paragraph (3).

“(3) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that—

“(A) establishes the terms governing the relationship between the Secretary and the State poultry inspection program; and

“(B) provides that—

“(i) the State will adopt (including adoption by reference) provisions equivalent to sections 1 through 4 and 6 through 32 (including applicable regulations promulgated and regulatory documents issued under this Act;

“(ii) State-inspected and passed poultry products will be marked with a mark of State inspection, which shall be deemed to

1 be an official mark, in accordance with re-
2 quirements issued by the Secretary;

3 “(iii) the State will comply with all la-
4 beling requirements issued by the Sec-
5 retary governing poultry products in-
6 spected under the State poultry inspection
7 program;

8 “(iv) the Secretary shall have author-
9 ity—

10 “(I) to detain and seize poultry
11 and poultry products under the State
12 poultry inspection program;

13 “(II) to obtain access to facili-
14 ties, records, and poultry products of
15 any person that slaughters, processes,
16 handles, stores, transports, or sells
17 poultry products inspected under the
18 State poultry inspection program to
19 determine compliance with this Act
20 (including applicable regulations pro-
21 mulgated and regulatory documents
22 issued under this Act); and

23 “(III) to direct the State to con-
24 duct any activity authorized to be con-
25 ducted by the Secretary under this

1 Act (including applicable regulations
2 promulgated and regulatory docu-
3 ments issued under this Act); and

4 “(v) such other terms as the Sec-
5 retary determines to be necessary shall be
6 included in the cooperative agreement to
7 ensure that the actions of the State and
8 the State poultry inspection program are
9 consistent with this Act (including applica-
10 ble regulations promulgated and regulatory
11 documents issued under this Act).

12 “(4) RESTRICTION ON ESTABLISHMENT SIZE.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), establishments with more
15 than 50 employees may not be accepted into a
16 State poultry inspection program.

17 “(B) EXISTING ESTABLISHMENTS.—Sub-
18 ject to subparagraph (C), any establishment
19 that is subject to State inspection on January
20 1, 2007 may remain subject to state inspection.

21 “(C) FEDERALLY-INSPECTED ESTABLISH-
22 MENTS.—After January 1, 2007, a Federally-
23 inspected establishment shall not be eligible to
24 apply for and receive State inspection if the es-
25 tablishment has more than 50 employees.

1 “(5) REIMBURSEMENT OF STATE COSTS.—The
2 Secretary may reimburse the State for not more
3 than 60 percent of the State’s costs of meeting the
4 Federal requirements for the State poultry inspec-
5 tion program.

6 “(6) SAMPLING.—A duly authorized representa-
7 tive of the Secretary shall be afforded access to
8 State-inspected establishments to take reasonable
9 samples of the inventory of the establishment upon
10 payment of the fair market value of the samples.

11 “(7) NONCOMPLIANCE.—If the Secretary deter-
12 mines that a State poultry inspection program does
13 not comply with this section, section 5A, or the co-
14 operative agreement under paragraph (3), the Sec-
15 retary shall take such action as the Secretary deter-
16 mines to be necessary to ensure that the poultry
17 products in the State are inspected in a manner that
18 effectuates this Act (including applicable regulations
19 promulgated and regulatory documents issued under
20 this Act).

21 “(d) ANNUAL REVIEW.—The Secretary shall develop
22 and implement a process, in consultation with States—

23 “(1) to review annually each State poultry in-
24 spection program approved under this section; and

1 “(2) to certify the State poultry inspection pro-
 2 grams that comply with the cooperative agreement
 3 entered into with the State under subsection (c)(3).

4 “(e) FEDERAL INSPECTION OPTION.—

5 “(1) IN GENERAL.—An official establishment
 6 that operates in a State with an approved State
 7 poultry inspection program may apply for inspection
 8 under the State poultry inspection program or for
 9 Federal inspection.

10 “(2) LIMITATION.—An official establishment
 11 shall not make an application under paragraph (1)
 12 more than once every 4 years.

13 **“SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY IN-**
 14 **SPECTION ACTIVITIES.**

15 “(a) DEFINITION OF REGULATORY DOCUMENT.—In
 16 this section, the term ‘regulatory document’ has the mean-
 17 ing given the term in section 5(b).

18 “(b) AUTHORITY TO TAKE OVER STATE POULTRY
 19 INSPECTION PROGRAMS.—

20 “(1) NOTIFICATION.—If the Secretary has rea-
 21 son to believe that a State is not in compliance with
 22 this Act (including applicable regulations promul-
 23 gated and regulatory documents issued under this
 24 Act) or the cooperative agreement under section
 25 5(c)(3) and is considering the revocation or tem-

1 porary suspension of the approval of the State poul-
2 try inspection program, the Secretary shall promptly
3 notify and consult with the Governor of the State.

4 “(2) SUSPENSION AND REVOCATION.—The Sec-
5 retary may revoke or temporarily suspend the ap-
6 proval of a State poultry inspection program and
7 take over a State poultry inspection program if the
8 Secretary determines that the State poultry inspec-
9 tion program is not in compliance with this Act (in-
10 cluding applicable regulations promulgated and reg-
11 ulatory documents issued under this Act) or the co-
12 operative agreement.

13 “(3) PUBLICATION.—If the Secretary revokes
14 or temporarily suspends the approval of a State
15 poultry inspection program in accordance with para-
16 graph (2), the Secretary shall publish the determina-
17 tion under that paragraph in the Federal Register.

18 “(4) INSPECTION OF ESTABLISHMENTS.—On
19 the expiration of 30 days after the date of publica-
20 tion of a determination under paragraph (3), an offi-
21 cial establishment subject to a State poultry inspec-
22 tion program with respect to which the Secretary
23 makes a determination under paragraph (2) shall be
24 inspected by the Secretary.

1 “(c) EXPEDITED AUTHORITY TO TAKE OVER IN-
2 SPECTION OF STATE-INSPECTED OFFICIAL ESTABLISH-
3 MENTS.—Notwithstanding any other provision of this sec-
4 tion or section 5, if the Secretary determines that an offi-
5 cial establishment operating under a State poultry inspec-
6 tion program is not operating in accordance with this Act
7 (including applicable regulations promulgated and regu-
8 latory documents issued under this Act) or the cooperative
9 agreement under section 5(c)(3), and the State, after noti-
10 fication by the Secretary to the Governor, has not taken
11 appropriate action within a reasonable time as determined
12 by the Secretary, the Secretary may immediately deter-
13 mine that the official establishment is an establishment
14 that shall be inspected by the Secretary, until such time
15 as the Secretary determines that the State will meet the
16 requirements of this Act (including applicable regulations
17 promulgated and regulatory documents issued under this
18 Act) and the cooperative agreement with respect to the
19 official establishment.”.

20 (b) ACCEPTANCE OF INTERSTATE SHIPMENTS; ADVI-
21 SORY COMMITTEES.—The Poultry Products Inspection
22 Act is amended by inserting after section 30 (21 U.S.C.
23 471) the following:

1 **“SEC. 31. ACCEPTANCE OF INTERSTATE SHIPMENTS OF**
 2 **POULTRY PRODUCTS.**

3 “Notwithstanding any provision of State law, a State
 4 or local government shall not prohibit or restrict the move-
 5 ment or sale of poultry products that have been inspected
 6 and passed in accordance with this Act for interstate com-
 7 merce.

8 **“SEC. 32. ADVISORY COMMITTEES FOR FEDERAL AND**
 9 **STATE PROGRAMS.**

10 “The Secretary may appoint advisory committees
 11 consisting of such representatives of appropriate State
 12 agencies as the Secretary and the State agencies may des-
 13 ignate to consult with the Secretary concerning State and
 14 Federal programs with respect to poultry product inspec-
 15 tion and other matters within the scope of this Act.”.

16 (c) EFFECTIVE DATE.—This section takes effect on
 17 January 1, 2007.

18 **TITLE III—GENERAL**
 19 **PROVISIONS**

20 **SEC. 301. REGULATIONS.**

21 Not later than January 1, 2007, the Secretary of Ag-
 22 riculture may promulgate such regulations as are nec-
 23 essary to implement the amendments made by sections
 24 102 and 202.

1 **SEC. 302. TERMINATION OF AUTHORITY TO ESTABLISH AN**
2 **INTERSTATE INSPECTION PROGRAM.**

3 If the Secretary of Agriculture has not approved any
4 State meat inspection program or State poultry inspection
5 program by entering into a cooperative agreement under
6 title III of the Federal Meat Inspection Act and sections
7 5 and 5A of the Poultry Products Inspection Act (as
8 amended by this Act) by January 1, 2007, sections
9 101(b), 102, 201(b), and 202, and the amendments made
10 by those sections, are repealed effective as of that date.

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